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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 ANTOINETTE CALLOW,

10 Plaintiff,

11 v.

12 THE PRUDENTIAL INSURANCE COMPANY  
13 OF AMERICA, et al.,

14 Defendants.

CASE NO. C07-1247RSM

REVISED ORDER DIRECTING  
SUPPLEMENTAL BRIEFING

15 On March 4, 2009, the Court issued an Order directing supplemental briefing on the issue of  
16 admissibility of extrinsic evidence in this case. Dkt. # 38. Counsel for plaintiff contacted the Court to  
17 ask for an extension of the deadlines in the schedule, asserting that he could not meet them due to his  
18 participation in a trial on another matter. The Court scheduled a telephone conference to resolve the  
19 issue.

20 Having reviewed the parties' respective positions on scheduling as they were presented at the  
21 conference, the Court now finds and ORDERS:

22 (1) The Court VACATES the Order Directing Supplemental Briefing (Dkt. # 38). The  
23 issues surrounding the consideration of extrinsic evidence have been well-briefed in defendant's motion in  
24 limine and plaintiff's response. Dkt. # 27, 31. The motion was taken off the calendar when the Court  
25 struck the trial date in response to plaintiff's Notice of Unavailability. Dkt. ## 33, 35. However,  
26 following the March 11 status conference defendant filed a reply as directed, and it shall be considered by  
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1 the Court.

2 (2) In order to afford plaintiff the opportunity to meet the burden of demonstrating circumstances  
3 which clearly establish that additional evidence is necessary for the Court to conduct an adequate review,  
4 plaintiff shall be allowed to file a supplemental response, limited to twelve pages, on or before May 1,  
5 2009. *Opeta v. NW Airlines Pension Plan*, 484 F. 3d 1211 (9th Cir. 2007). Defendant may file a  
6 supplemental reply on or before May 8, 2009.

7 (3) Defendant's motion in limine is hereby RE-NOTED on the Court's calendar for May 8, 2009.  
8 The Court shall expedite consideration of the matter and issue a ruling as soon as practicable thereafter.  
9 In that ruling, the Court shall also set a status conference to discuss re-scheduling of the trial.

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11 Dated this 13<sup>th</sup> day of March, 2009.



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13 RICARDO S. MARTINEZ  
14 UNITED STATES DISTRICT JUDGE  
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